

E-filed 6/30/08

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

11 SPOTLIGHT SURGICAL, INC.,
12 Plaintiff,
13 vs.
14 DEPUY, INC. AND DEPUY SPINE, INC.,
15 Defendants.

Case No. CV 07-03362 JF RS

**STIPULATION TO EXTEND THE DATE
FOR DEFENDANTS DEPUY, INC.'S AND
DEPUY SPINE, INC' S RESPONSE TO
COMPLAINT**

Plaintiff Spotlight Surgical, Inc. and Defendants DePuy, Inc. and DePuy Spine, Inc. are actively negotiating a settlement. Accordingly, the parties previously stipulated that Defendants had an extension of time up to and including June 27, 2008 to answer or otherwise respond to Plaintiff's Complaint for Injunctive Relief and Damages for (1) Federal Unfair Competition (15 U.S.C. § 1125(a)); (2) California Unfair Competition (B&P Code § 17200); (3) Common Law Unfair Competition.

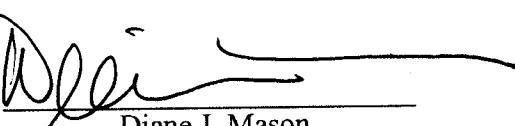
The parties have exchanged drafts of a settlement agreement, however, a new issue has recently been raised that the parties are considering. The parties are still hopeful that they will be able to finalize their settlement and dismiss this matter shortly. Thus, the parties, by and through their undersigned attorneys, hereby stipulate and agree that Defendant shall have an additional

1 extension of thirty-one days (31) days to answer or otherwise respond to Plaintiff's Complaint, up
 2 to and including July 28, 2008.

3 This will be the eleventh extension of time entered in this case. This stipulation is not
 4 entered into for any purposes of delay. Rather, the parties have a good faith belief that they will
 5 shortly settle this matter and, under such circumstances, do not wish to unnecessarily expend
 6 either the Court's or their time and resources on further litigation.

7 Dated: June 26, 2008

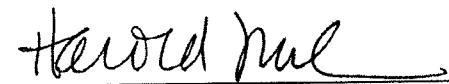
MORGAN, LEWIS & BOCKIUS LLP

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 9 By 
 Diane J. Mason

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 11 Attorneys for Defendant DEPUY, INC. and
 12 DEPUY SPINE, INC.

13 Dated: June 26, 2008

HELLER EHRLMAN LLP

14 By 
 15 Harold J. Milstein

16
 17 Attorneys For Plaintiff SPOTLIGHT
 18 SURGICAL, INC.

19 PURSUANT TO STIPULATION, IT IS SO ORDERED

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 21 Dated: 6/30/08

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 23 The Honorable Jeremy Fogel
 24 United States District Judge
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